

REMARKS

Claims 1-99, 101, 103-111, 113, 115 and 117-127 are pending in the current application. Applicant would like to point out to the Examiner that a new ground of rejection was raised in the present office action against Claims 98, 103, 109, 115 and 120. Consequently, the final rejection is in error.

35 USC §112 Rejections

I. Claims 1-99, 101, 103-111, 113, 115 and 117-127 were rejected under 35 USC §112, 1st paragraph, as being non-enabling for solvates.

Applicant would like to point out to the Examiner, that Claims 47, 94, and 123-127 do not include any references to solvates or hydrates nor were they dependent from any claims that would incorporate a reference to solvates or hydrates. Consequently, the rejection with respect to these claims is in error. Claims 1-46, 48-93, 95, 99 and 111 have been amended to remove the reference to solvates and hydrates thus rendering the rejection moot with respect to these claims. Since Claims 96, 97, 101, 107, 108, 113, 119, and 121 are dependent from the amended claims, the amendment to the above-referenced claims renders the rejection moot for these dependent claims as well.

Although Applicant disagrees with the Examiner's assertion that solvates and hydrates are not sufficiently supported in the current application, Claims 1-47, 48-93, 95, 99 and 111 were amended to remove the reference to solvates and hydrates. Applicant still maintains that there is sufficient support which has been made of record in the previous response. Examiner has failed to provide any evidence that the compounds of the present invention would inherently produce solvates and/or hydrates. However, to expedite the application to allowance, Applicant has amended the claims but reserves the right to pursue the deleted subject matter in a subsequently filed application.

II. Claims 99, 101, 103-111, 113, 115 and 117-122 were rejected under 35 USC §112, 1st paragraph for non-enablement for all claimed indications.

Examiner acknowledges that compounds that antagonize the CB-1 receptor have been shown to be useful for the treatment of obesity (including weight loss and bulimia). Although Applicant disagrees with the Examiner's assertions that Applicant failed to provide support for the other diseases, Applicant has amended the claims to obesity and obesity related conditions (i.e., weight loss and bulimia). Consequently, this

amendment to Claims 99, 105, 106, 110, 111, 117 and 118 renders the rejection moot since the remaining claims are dependent from the amended claims.

As stated in the previous response, Applicant maintains that the other indications are sufficiently supported based on human clinical trials of known CB-1 antagonists (in particular, smoking cessation and alcoholism using rimonabant) and the references cited in the response which contained citations of supporting references for each of the indications. Examiner provided no evidence that the suggestions within these references would not perform as speculated based on animal models. Consequently, Applicant reserves the right to pursue such subject matter in subsequently filed continuation applications.

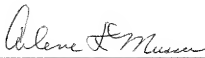
III. Claims 98, 103, 109, 115 and 120 were rejected under 35 USC §112, second paragraph, as being indefinite for the use of the term "analogs thereof" in reference to dehydroepiandrosterone.

Applicant respectfully submits that the amendment of Claims 98, 103, 109, 115 and 120 renders the rejection moot with respect to analogs of dehydroepiandrosterone.

Based on the foregoing arguments and the amendments to the claims, Applicant respectfully submits that Claims 1-99, 101, 103-111, 113, 115 and 117-127 are in condition for allowance.

Respectfully Submitted:

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